

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

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OFFICE OF WATER

The Honorable Fred Upton Chairman Committee on Energy and Commerce House of Representatives Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your February 3, 2016, letter expressing your concern regarding the drinking water crisis in Flint. The situation in Flint demands urgent and sustained action – at all levels of government – to protect the public and help the city recover. Following President Obama's January 14 emergency declaration, the Administration has deployed a multi-agency response effort in Flint, and the U.S. Department of Health and Human Services has been designated the lead federal agency responsible for coordinating federal government response and recovery efforts. As part of the broader federal response effort, the U.S. Environmental Protection Agency is intensely engaged in addressing ongoing threats to public health in Flint, in coordination with the city of Flint and the state of Michigan.

The EPA's immediate priority is to ensure that the residents of Flint have a safe and reliable drinking water supply. Prior to the current crisis, in 2014, the EPA offered technical assistance to the state and the city to return the drinking water system to compliance with the Total Coliform and Disinfection Byproducts rules.

Currently, as detailed below, we are taking an integrated approach to address the important factors related to Flint's drinking water system and lead in drinking water. We are providing technical assistance and review through our national experts on the EPA's Flint Safe Drinking Water Task Force, engaging directly on the ground on re-optimization of corrosion control, and providing extensive support to the city and the state through our own sampling and oversight of state and local sampling efforts. Additionally, we are implementing the Emergency Order issued under section 1431 of the Safe Drinking Water Act. Finally, we are taking actions to strengthen the implementation of the Lead and Copper Rule and to ensure the revisions of the rule further increase protection of public health.

We are focused on supporting the state and the city in addressing system-wide failures, including the lack of effective corrosion control. Re-optimizing corrosion control may take months to

complete, but the steps taken each day make progress towards achieving that goal. EPA scientists, water experts, community involvement coordinators and support staff from Region 5 and the Office of Research and Development are currently stationed in Flint. The organizational chart of EPA's Unified Command Structure is enclosed (Enclosure A). In addition, experts from EPA headquarters, labs and many other offices are supporting the EPA's comprehensive response to this public health emergency.

Beginning in October 2015, the EPA's Flint Safe Drinking Water Task Force, which includes agency experts in corrosion control and lead in drinking water systems, has provided technical assistance to the city of Flint and the Michigan Department of Environmental Quality on steps needed to re-optimize the system and ensure that lead testing is conducted using the proper sampling protocols. A list of Task Force activities is enclosed (Enclosure B), and information about the Task Force, including each set of recommendations, is available on the EPA's website, www.epa.gov/flint/flint-safe-drinking-water-task-force.

There are many factors that will affect the re-optimization of corrosion control, and it is critical that we use data-driven, site-specific information to assess the effectiveness of the corrosion control and ensure the treatment is optimized. EPA staff in Flint are currently conducting residential and water system sampling for lead and other drinking water contaminants and chlorine disinfectant residual – to assess the progress of actions that EPA has directed the state and city to take to restore the safe operation of the treatment plant and the distribution system. Specifically, we are conducting extensive chlorine residual sampling to make sure the system is adequately disinfected, and we are conducting extensive residential lead sampling to help us better understand where in the system the lead is coming from and to determine progress toward re-optimizing corrosion control treatment. We are posting sample results to the EPA's website, <a href="https://www.epa.gov/flint">www.epa.gov/flint</a>, as soon as they become available. We are also overseeing the residential/commercial drinking water testing and sentinel site and Lead and Copper Rule compliance sampling being conducted by the MDEQ.

In addition, the EPA is providing the city with pipe loop rigs at the drinking water plant that use lead pipes from Flint's distribution system. Pipe loop rigs are pilot-scale distribution systems that can be used to test different concentrations and combinations of treatment chemicals to assess their impact on lead corrosion. We will use the pipe loop rigs to evaluate the effects of water quality changes and different levels of orthophosphate treatment on lead release from the existing pipe scales in order to select the most effective treatment.

To address specific residents' concerns, we set up a Strike Team to visit and test every home that has lead sample results above 150 parts per billion to better understand lead levels in homes and to ensure that the water filters provided by the state are meeting their certified performance rating and adequately filtering lead from the water. By conducting these home visits, we were able to identify issues with aerators and existing in-home water filters. We were then able to help residents address these issues. Subsequently, we are sharing what we are learning from these visits more broadly with residents throughout Flint. In addition, we are working with officials

from the Genesee County Health Department, the Michigan Department of Health and Human Services, the Agency for Toxic Substances and Disease Registry, and the Centers for Disease Control and Prevention to investigate water quality where rashes have been reported. Further, we are conducting extensive community outreach and established a hotline to answer questions and share information.

As you noted in your letter, on January 21, 2016, the Administrator issued an Emergency Order under section 1431 of the Safe Drinking Water Act. The order directs the state of Michigan, MDEQ and city of Flint to take actions necessary to ensure that corrosion control is optimized and that the city establishes the capacity to operate its drinking water system in compliance with the requirements of the law. The EPA is working closely with the city, state and MDEQ on the implementation of actions under the order, and we will ensure that each of these steps is successfully completed in a timely manner. Enclosed is a copy of the order, which provides detailed information about the agency's involvement in Flint and relevant factual background (Enclosure C).

Since the issuance of the order, the state, MDEQ and city have made a number of submissions pursuant to that order and we are continuing to respond and review those submissions. These reviews are ongoing. One important provision of the order is to ensure information is available to the public and, as such, information regarding the submissions to the order are required to be posted to the MDEQ website at <a href="https://www.michigan.gov/flintwater/0,6092,7-345--376646--,00.html">www.michigan.gov/flintwater/0,6092,7-345--376646--,00.html</a>. Today, the agency sent a letter to the state, MDEQ and city regarding the status of work to address the serious and ongoing issues with the safety of Flint's public water system and to comply with the order (Enclosure D).

Looking forward, we are taking immediate actions to ensure that the drinking water crisis that occurred in Flint is never repeated. We will conduct an audit of the MDEQ's drinking water program to review public water system compliance with the Safe Drinking Water Act and MDEQ oversight of public water systems. Administrator McCarthy has asked EPA's Office of Inspector General to evaluate the agency's response and its oversight of the MDEQ. The agency will cooperate fully and looks forward to receiving, and promptly acting upon, the IG's assessment and recommendations. Administrator McCarthy also issued an agency-wide Elevation Policy directing the EPA's leadership to encourage prompt and decisive action to address critical public health concerns.

In addition, we are committed to improving the public health protection provided by the Lead and Copper Rule, which covers approximately 68,000 public water systems nationwide. We have begun actions to increase oversight of all state programs to identify and address any deficiencies in implementation of the Lead and Copper Rule. My staff is engaging with all states, system owners and operators and other stakeholders to identify and address lessons from Flint, other potential risks to drinking water safety, and the challenges posed by aging infrastructure nationwide. We will be taking additional near-term actions to further strengthen implementation of the existing Lead and Copper Rule.

Finally, we are actively working on revisions to the rule. In December 2015, the EPA received extensive recommendations from our National Drinking Water Advisory Council and other concerned stakeholders. We are carefully evaluating this input and national experience in implementing the current rule – including the events in Flint – to develop proposed improvements.

We recognize the importance of the Committee's need to obtain information necessary to perform its legitimate oversight functions and are committed to working with your staff on how best to accommodate the Committee's interests in the documents requested in your letter. We have initiated a search for responsive documents.

The EPA remains fully committed to ensuring that Flint's drinking water system is restored to proper functioning as quickly as possible. Again, thank you for your letter. If you have further questions, you may contact me or your staff may contact Cathy Davis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2703 or Davis.CatherineM@epa.gov.

Sincerely.

Joel Beauvais

Deputy Assistant Administrator

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Enclosures